

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE;
DR. ANDREA WESLEY; DR. JOSEPH
WESLEY; ROBERT EVANS; GARY
FREDERICKS; PAMELA HAMMER
BARBARA FINN; OTHO BARNES;
SHIRLINDA ROBERTSON; SANDRA
SMITH; DEBORAH HULITT; RODESTA
TUMBLIN; DR. KIA JONES; ANGELA
GRAYSON; MARCELEAN ARRINGTON;
VICTORIA ROBERTSON**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS

**STATE BOARD OF ELECTION
COMMISSIONERS; TATE REEVES, *in his
official capacity as Governor of Mississippi;*
LYNN FITCH, *in her official capacity as
Attorney General of Mississippi;* MICHAEL
WATSON, *in his official capacity as Secretary
of State of Mississippi***

DEFENDANTS

AND

**MISSISSIPPI REPUBLICAN
EXECUTIVE COMMITTEE**

INTERVENOR-DEFENDANT

DEFENDANTS' MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE

INTRODUCTION

Defendants State Board of Election Commissioners, Governor Tate Reeves, Attorney General Lynn Fitch, and Secretary of State Michael Watson (collectively, "Defendants") submit this their Motion for the Court to take Judicial Notice of the facts and information identified in and

attached to the Motion pursuant to Rule 201(b) and 201(c)(2) of the Federal Rules of Evidence. In support of this Motion, the Defendants would show as follows:

1. “The court must take judicial notice if a party requests it and the court is supplied with the necessary information.” FED. R. EVID. 201(c)(2). “The doctrine of judicial notice permits a judge to consider a generally accepted or readily verified fact as proved without requiring evidence to establish it.” *United States v. Berrojo*, 628 F.2d 368, 369 (5th Cir. 1980). Taking judicial notice of Census data is appropriate, relevant for this case, and will streamline the presentation of evidence at trial. *See Shelby County, Ala. v. Holder*, 570 U.S. 529, 535 (2013) (utilizing Census Bureau data to determine that “African-American voter turnout has come to exceed white voter turnout in five of the six States originally covered by § 5[.]”); *Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 571-72 (5th Cir. 2011).

2. Defendants seek judicial notice of the following facts, as discussed below:

Census data from the U.S. Census Current Population Survey’s Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States in 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, and 2022.¹

3. Pursuant to Federal Rule of Evidence 1006, Defendants include, as Exhibit T, a table summarizing the data above.

4. In support of this Motion, the Defendants incorporate their supporting Memorandum being filed simultaneously with this Motion.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request the Court grant this Motion and take judicial notice of the above-listed facts as facts “generally known

¹ Attached as Exhibits A – S are the Tables from the Census Current Population Survey in 1986 through 2022, respectively.

within the trial court's territorial jurisdiction" and facts which "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." FED. R. EVID. 201(b).

THIS the 7th day of February, 2024.

Respectfully submitted,

STATE BOARD OF ELECTION
COMMISSIONERS; TATE REEVES, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF
MISSISSIPPI; LYNN FITCH, IN HER OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
MISSISSIPPI; MICHAEL WATSON, IN HIS
OFFICIAL CAPACITY AS SECRETARY OF
STATE, DEFENDANTS

By: /s/ Tommie S. Cardin
Tommie S. Cardin (MB #5863)
ONE OF THEIR COUNSEL

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Tommie S. Cardin, one of the attorneys for the Defendants, do hereby certify that I have this day filed the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 7th day of February, 2024.

/s/ Tommie S. Cardin

Tommie S. Cardin

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